PATENT

REMARKS

Claims 1-3, 5, 6, and 12-17 are pending in the present application. All pending claims stand rejected. Reconsideration of the present rejections of all pending claims is respectfully requested in light of the following remarks.

Claims 1-3, 5, 6, and 12-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over McDonough (U.S. Patent no. 6,453,959) in view of Czaja et al. (U.S. Patent No. 6,459,689). Applicant respectfully traverses this rejection for the following reasons.

The present Office Action asserts that McDonough, which is already of record and was previously applied against the claims and then subsequently withdrawn, teaches the claimed first and second PN generators respectively generating first and second PN sequences, wherein the first PN sequence is generated from equations different from equations used to generate the second PN sequence as featured in claim 1. Applicant respectfully disagrees with these assertions and submits that McDonough does not teach the claimed elements.

First, the Office Action appears to assert that at least one of Figures 4A through 4E evidence teaching of a first PN generator and that the text in col. 10, line 65 through col. 11, line 2 putatively teaches a second PN generator using a different PN sequence from the first PN generator. The cited text and the accompanying flowchart of FIG. 8, however, is merely teaching different PN sequence phase offsets to distinguish base stations, not different PN sequences as claimed. Once again, Applicant respectfully submits that merely because the PN sequences are offset by phase does not mean that the PN sequences are different (i.e., generated using different equations). McDonough merely teaches in-phase (I) and quadrature (Q) sequences that would be used by a single PN generator for generating a single PN sequence compliant with a standard (e.g., IS-95) for a spreader. McDonough does not teach or suggest a second pair of I and Q sequences, different from the disclosed I

and Q polynomial sequences in lines 1-5 of col. 6 that would be needed to generate a second, distinct PN sequence for a second spreader.

Moreover, the Office Action appears to incorrectly interpret the teachings of McDonough by expediently cobbling together different and distinct alternatives for IS-95 and IS-2000 discussed in the reference to arrive at the conclusion that the reference teaches different PN sequences respectively used for different PN generators as featured in the claims. Applicants respectfully submit that this interpretation is untenable. Specifically, the Office Action refers to the discussion in col. 12, line 62 through col. 13, line 26. This discussion first considers a polynomial that can be used to ensure a system is compliant with IS-95 as may be seen in col. 13, lines 1-13, for example, Next, McDonough, contrary to the allegations in the Office Action, actually teaches an alternative system and equations for PN generation should one desire that the system comply with IS-2000 instead. That is, McDonough here is not teaching an additional second PN generator that is distinct in the equation used for generating a second PN sequence. Indeed, the immediate discussion after line 26 in col. 13 explicitly belies the assertions in the present Office Action. In particular, lines 39-44 of col. 13 teach that for a data sequence a mobile station will select one of the sequences for either IS-95 ***or*** IS-2000 (not both) in response to control data for the appropriate system. Thus, Applicant respectfully submits that McDonough simply does not teach, contemplate, or suggest the use of two distinct equations for respective first and second PN generators as claimed.

Applicant further submits that Czaja, which also is already of record and was previously applied under Sections 102 and 103, fails to make up for the shortcomings of McDonough. As argued before, Czaja does not teach or suggest a "first PN sequence . . . generated from equations ***different*** from equations used to generate [a] second PN sequence." Czaja does not make up for the shortcomings of McDonough and, thus, McDonough and Czaja, either taken separately or combined, do not teach or suggest all of the elements of claim 1.

With respect to independent claims 12 and 15, these claims contain elements similar to those discussed above with respect to claim 1. Accordingly, these claims are

also believed to be allowable over McDonough and Czaja for at least the same reasons presented above.

Since Applicant submits that independent claims 1, 12, and 15 are allowable in view of the McDonough and Czaja, claims 2, 3, 5-6, 13-14, and 16-17 depending from these allowable independent claims are also believed allowable for at least the same reasons, as well as on their own merits. Accordingly, the cited references, whether in combination or taken separately, fail to teach or suggest all the claimed elements of the present dependent claims.

In view of the foregoing remarks, it is respectfully submitted that all claims of the present application are in condition for allowance. Reconsideration of all of the claims is respectfully requested and allowance of all the claims at an early date is solicited.

Respectfully submitted,

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